

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DIERRA MCCORMICK,
Plaintiff,

V.

CREDIT ONE BANK, N.A., et al.,
Defendants.

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CIVIL ACTION NO. 4:25-CV-001-P

**FINDINGS, CONCLUSIONS AND RECOMMENATION REGARDING
DISMISSING DEFENDANT CREDIT ONE BANK, N.A.**

On January 2, 2025, *pro se* Plaintiff Dierra McCormick (“McCormick”) filed a Complaint [doc. 1] in the above-styled and numbered cause. In the Complaint, McCormick brought various claims against Defendants Credit One Bank, N.A. (“Credit One”) and LVNV Funding LLC. On January 29, 2025, McCormick was granted leave to proceed *in forma pauperis* [doc. 6]. Thereafter, on April 1, 2025, the Court found that McCormick was entitled to have the summons and complaint served upon Defendants by a United States Marshal or Deputy United States Marshal [doc. 11]. On April 3, 2025, the summons was returned unexecuted as to Credit One noting that “per [District of Nevada] policy [the United States Marshal Service] cannot serve a P.O. box physical address required” [doc. 13].¹ That same day, the Court ordered McCormick to “file, no later than April 21, 2025, either a document showing an address, that is not a P.O. box, where Credit One can be served or proof of service on Credit One as required by Rule 4.1 of the Local Civil Rules of the Northern District of Texas.” (Order for Plaintiff to File Address for Defendant Credit One Bank, N.A. (“Order to File Address”) at 2.) The Court further advised that McCormick’s failure to comply with the Court’s order “would result in the Court recommending dismissal of Defendant Credit

¹ In her Complaint, McCormick alleges that Credit One can be served at “P.O. Box 98873, Las Vegas, NV 89193.” (Plaintiff’s Complaint at 2.)

One without further notice.” (*Id.*) As of the date of this Order, McCormick has wholly failed to comply with the Court’s Order to File Address. Thus, the Court **FINDS** and **CONCLUDES** that McCormick has failed to comply with the Court’s order. Therefore, the Court **RECOMMENDS** that McCormick’s claims against Credit One be **DISMISSED WITHOUT PREJUDICE**, and that Credit One be **DISMISSED** as a party to this case.

RECOMMENDATION

Based on the foregoing, the Court **RECOMMENDS** that all claims asserted against Credit One be **DISMISSED WITHOUT PREJUDICE**.

It is further **RECOMMENDED** that Credit One, as a party to this case, be **DISMISSED**.

NOTICE OF RIGHT TO OBJECT TO PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge’s proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge’s proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **June 4, 2025**, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

SIGNED May 21, 2025.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE